



## **REZONING APPLICATION ANALYSIS**

**ZONING CASE #: Z2013-03**

**LEGISTAR #: 20121184**

**LANDOWNERS:** Jonathan C. Pascoe  
1432 Parkside Club Dr.  
Lawrenceville, Georgia 30044

**APPLICANT:** Jonathan C. Pasco  
1432 Parkside Club Dr.  
Lawrenceville, Georgia 30044

**PROPERTY ADDRESS:** 238 Crescent Circle  
Marietta, Georgia 30064

**PARCEL DESCRIPTION:** Land Lot 12310, District 16, Parcel 0290

**AREA:** 0.15 **COUNCIL WARD:** 3

**EXISTING ZONING:** OI (Office Institutional)

**REQUEST:** R4 (Single Family 4 Units/Acre)

**FUTURE LAND USE MAP**

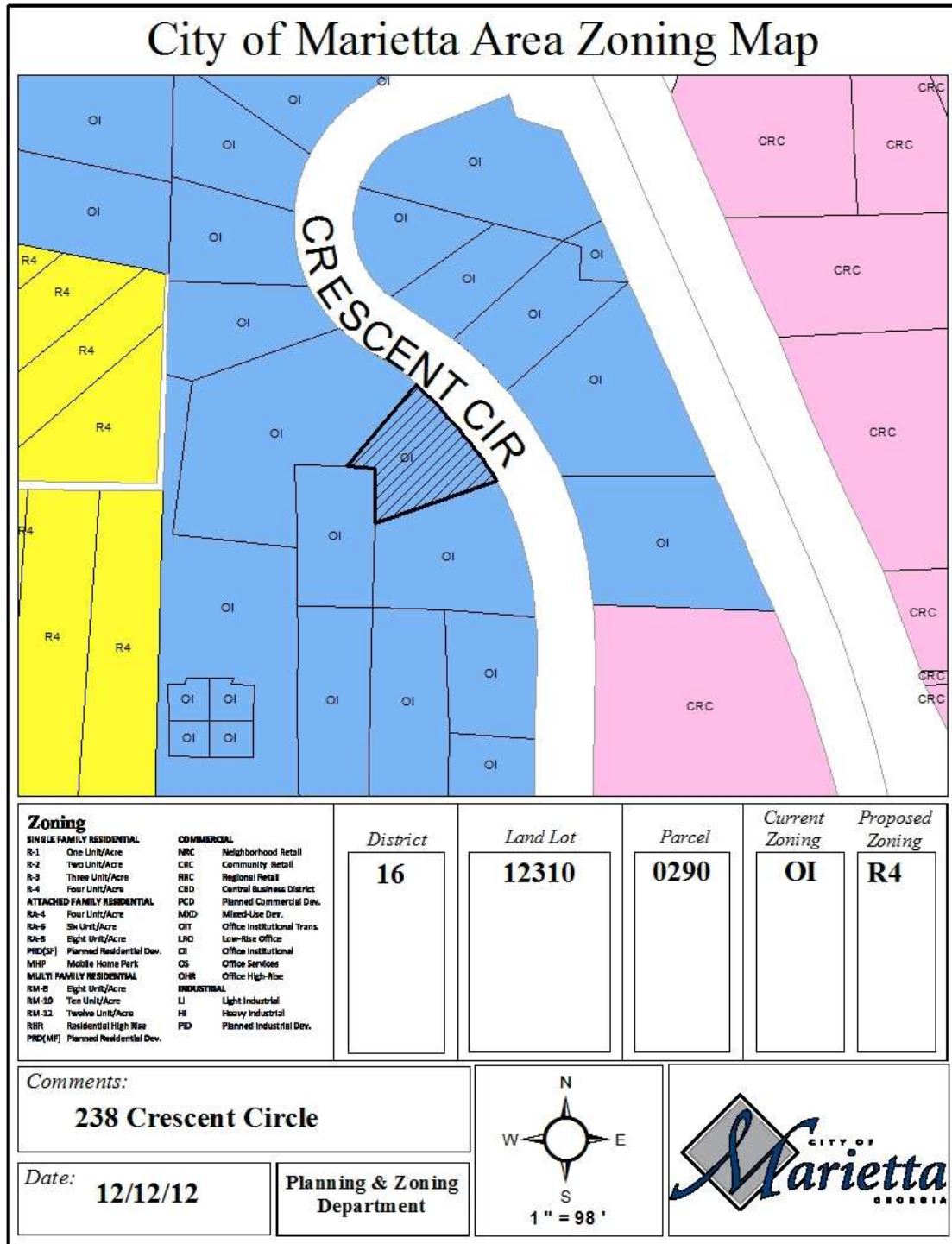
**RECOMMENDATION:** MDR (Medium Density Residential)

**REASON FOR REQUEST:** The property owner is requesting to rezone the property in order to sell for residential purposes or to rent to a residential tenant, due to current market conditions.

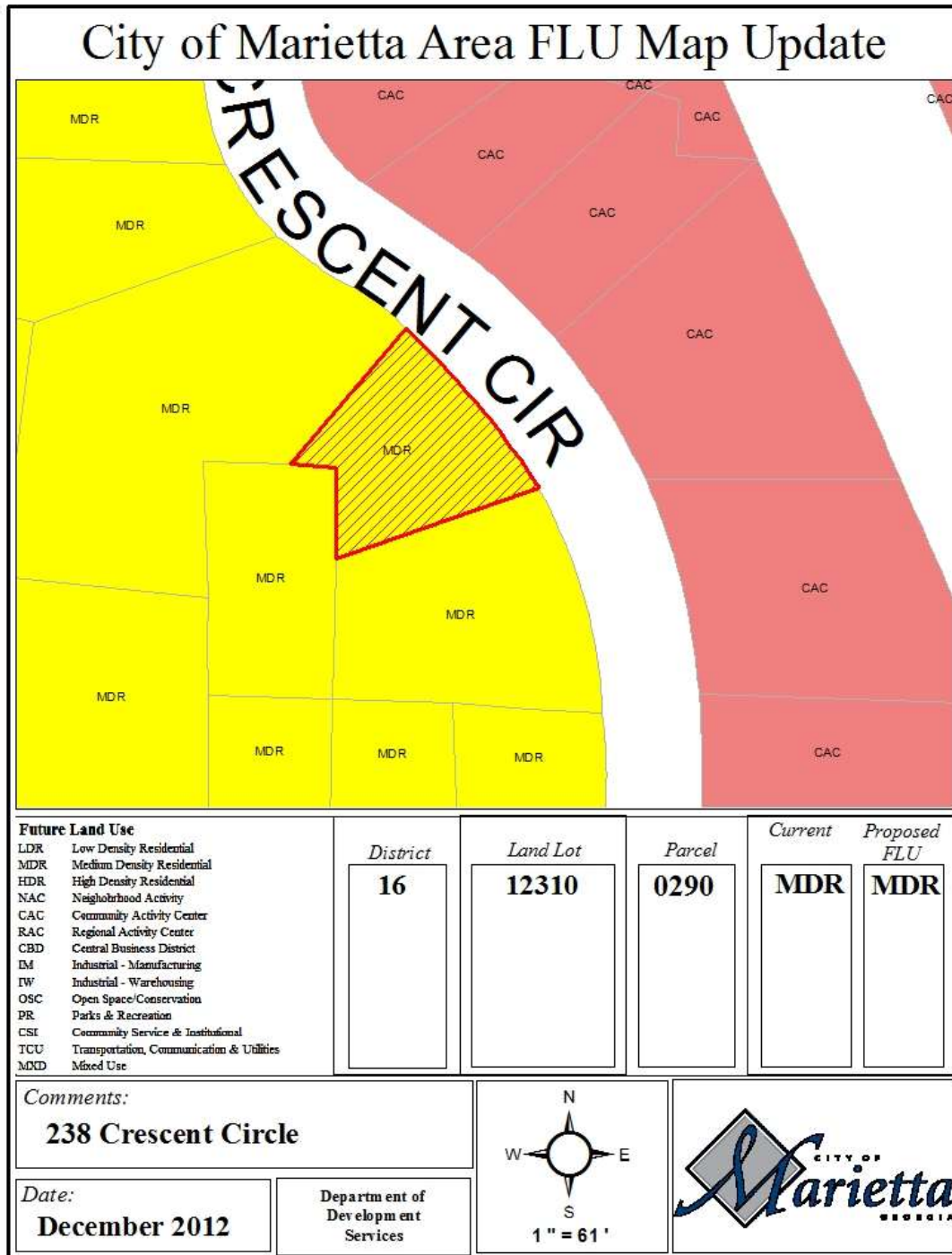
**PLANNING COMMISSION HEARING:** Wednesday, January 2, 2013

**CITY COUNCIL HEARING:** Wednesday, January 9, 2013

## MAP



## FLU MAP



## PICTURES OF PROPERTY







## STAFF ANALYSIS

### *Location Compatibility*

The applicant and property owner, Jonathan C. Pascoe, is requesting to rezone the existing 0.15 acre parcel located at 238 Crescent Circle from OI (Office Institutional) to R4 (Single Family Residential 4 Units/Acre) in order to sell the property as a residence or to rent out to residential tenants. The property was developed as a single family house with a single-car carport. Most of the properties along Crescent Circle are formerly single family homes that are zoned OI (Office Institutional) and most have transitioned to small business uses. However several of the properties on the west side of Crescent Circle, although zoned OI, continue to be used as residences.

### *Use Potential and Impacts*

The site is located on Crescent Circle, a short local street that intersects with South Marietta Parkway just west of the downtown historic Square. The physical aspects of the properties on Crescent Circle – whether used as residences or as businesses – have not change much in appearance. As a result of the preservation of these buildings, this rezoning request to rezone this property for residential use will have no impact on adjacent properties.

The City's Comprehensive Plan designates the subject and all the adjacent properties to the north, south and west as having FLU (Future Land Use) of MDR (Medium Density Residential). The properties that are along the east side of Crescent Circle – across the street from the subject property – have a FLU designation of CAC (Community Activity Center), as these properties also have frontage on South Marietta Parkway.

The City's Comprehensive Plan has designated the Future Land Use of this parcel to be MDR, Medium Density Residential. The purpose of the MDR category is to provide for areas that are suitable for medium-density housing. Medium density residential districts are intended to be located near more intensively developed areas, in close proximity to an activity center. The current zoning of the subject property - OI (Office Institutional) - is not compatible with the existing MDR designation. However, if rezoned to R4 (Single Family Residential 4 units/acre), then the MDR designation would be compatible. Therefore, the proposed use of this parcel is compatible with the Future Land Use map for this area.

### *Environmental Impacts*

There is a stream that is located south of the property that would require a 25 ft. State Stream Buffer, 25 ft. City Stream Buffer, and the 25 ft. Impervious Area Setback.

- Additional information will be required for construction and/or renovation, if any is

proposed. The limits of the flood plain will have to be indicated, or a statement must be provided from a registered surveyor that the property is or is not within the 100-year flood plain. (The new FEMA FIRM is effective March 4, 2013, but should be utilized currently.)

- Clearly delineate the 25' mandated State Stream Buffer, the additional 25' City Stream Buffer, and the additional 25' Impervious Area Setback (total 75') per the Stream Buffer Ordinance. The stream is located south of the property, however, the buffers fall within portions of the property.

### *Economic Functionality*

City records indicate that the subject property has been vacant for approximately three (3) years. The property owner has stated that he has had very few potential buyers interested in purchasing the property for commercial purposes. Further, most interested commercial buyers quickly changed their minds due to the cost that would be required to bring the building up to code to be utilized as a commercial business.

Although many of the properties on Crescent Circle have been utilized commercially under the OI zoning classification, the applicant stated that he has had more interest from potential buyers who want to utilize the property as a residence.

### *Infrastructure*

The proposed rezoning of this property will have minimal impacts on the transportation, education, water, sewer, electricity, and other public infrastructure in the area.

### *History of Property*

There are no existing variances, special land use, or zoning permits.

### *Other Issues*

The following variances would be necessary to bring the subject property into compliance to current city code regulations:

1. Variance to reduce the minimum lot size from 7,500 sq. ft. to 6,663 sq. ft. [Sect. 708.04(H)]
2. Variance to reduce the front yard setback from 25 ft. to 20.3 ft. for the primary structure [Sect. 708.04(H)]
3. Variance to reduce the front yard setback from 25 ft. to 6 ft. for an accessory structure [Sect. 708.04(H)]
4. Variance to reduce the north side yard setback from 10 ft. to 1.7 ft. [Sect. 708.04(H)]



5. Variance to reduce the rear yard setback from 30 ft. to 4.8 ft. [*Sect. 708.04(H)*]
6. Variance to allow an accessory structure closer to the right-of-way than the principal building. [*Sect. 708.04(F)(1)*]
7. Variance to allow a chain link fence in the front yard. [*Sect. 710.04*]



## ANALYSIS & CONCLUSION

The applicant and property owner, Jonathan C. Pascoe, is requesting to rezone the existing 0.15 acre parcel located at 238 Crescent Circle from OI (Office Institutional) to R4 (Single Family Residential 4 Units/Acre) in order to sell the property as a residence or to rent out to residential tenants. The property was developed as a single family house with a single-car carport. Most of the properties along Crescent Circle are formerly single family homes that are zoned OI (Office Institutional) and most have transitioned to small business uses. However several of the properties on the west side of Crescent Circle, although zoned OI, continue to be used as residences.

City records indicate that the subject property has been vacant for approximately three (3) years; and the property owner has stated that he has had very few potential buyers interested in purchasing the property for commercial purposes. Although many of the properties on Crescent Circle have been utilized commercially under the OI zoning classification, the applicant stated that he has had more interest from potential buyers who want to utilize the property as a residence. Further, the cost required to bring the building up to code to be utilized as a commercial business has discouraged some potential buyers.

If this property is rezoned, the following variances would be necessary to bring the subject property into compliance to current city code regulations:

1. Variance to reduce the minimum lot size from 7,500 sq. ft. to 6,663 sq. ft. [Sect. 708.04(H)]
2. Variance to reduce the front yard setback from 25 ft. to 20.3 ft. for the primary structure [Sect. 708.04(H)]
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7. Variance to allow a chain link fence in the front yard. [Sect. 710.04]

The City's Comprehensive Plan has designated the Future Land Use of this parcel to be MDR, Medium Density Residential. The purpose of the MDR category is to provide for areas that are suitable for medium-density housing. Medium density residential districts are intended to be located near more intensively developed areas, in close proximity to an activity center. The current zoning of the subject property - OI (Office Institutional) - is not compatible with the existing MDR designation. However, if rezoned to R4 (Single Family Residential 4 units/acre), then the MDR designation would be compatible. Therefore, the proposed use of this parcel is compatible with the Future Land Use map for this area.

**Prepared by:** \_\_\_\_\_

**Approved by:** \_\_\_\_\_



## DATA APPENDIX

### ***CITY OF MARIETTA - WATER***

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	N/A
Size of the water line?	8-inch
Capacity of the water line?	Available
Approximate water usage by proposed use?	Not Provided

### ***CITY OF MARIETTA - SEWER***

Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	N/A
Size of the sewer line?	8-inch
Capacity of the sewer line?	Available
Estimated waste generated by proposed development?	A.D.F                      Peak
Treatment Plant Name?	Not provided
	Cobb County
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County

## DATA APPENDIX CONTINUED

### ***DRAINAGE AND ENVIRONMENTAL CONCERNS***

Does flood plain exist on the property?	NO
What percentage of the property is in a floodplain?	---
What is the drainage basin for the property?	Ward Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	NO
If so, is the use compatible with the possible presence of wetlands?	---
Do stream bank buffers exist on the parcel?	YES – 25’ State & 50’ City
Are there other topographical concerns on the parcel?	NO
Are there storm water issues related to the application?	NO
Potential presence of endangered species in the area?	NO

### **Transportation**

What is the road affected by the proposed change?	Crescent Circle
What is the classification of the road?	Local
What is the traffic count for the road?	Not available
Estimated number of cars generated by the proposed development?	---
Estimated number of trips generated by the proposed development?	---
Do sidewalks exist in the area?	NO
Transportation improvements in the area?	NO
If yes, what are they?	---

- If proposed, Site Plans may be required for construction. Site plans must include, parking, driveways, streets, erosion-sedimentation-and pollution control plan, stormwater management (preventing concentrated flows from adjacent lots roads, and areas), stormwater quality, and any other applicable improvements required by City Code and Georgia Stormwater Management Manual. Additional comments will be made at time of site plan submittal. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. Discharge will not be allowable at the property line, or into the street R.O.W. If easements are required for drainage through adjacent property, then the owner is to obtain.
- Show limits of the flood plain or provide statement from registered surveyor that the property is or is not within the 100-year flood plain. The 2008 FEMA FIRM Flood Plain is found at [www.georgiadfirm.com](http://www.georgiadfirm.com). (effective December 16, 2008) The new FEMA FIRM is effective March 4, 2013, but should be utilized currently.
- Delineate all wetlands and provide regulatory documentation permitting any proposed impacts or state that none exist on site.
- Clearly delineate the 25' mandated State Stream Buffer, the additional 25' City Stream Buffer, and the additional 25' Impervious Area Setback (total 75') per the Stream Buffer Ordinance. The stream is located south of the property, however, the buffers fall within portions of the property.

### ***EMERGENCY SERVICES***

Nearest city or county fire station from the development?	Marietta Station 51
Distance of the nearest station?	0.7 miles
Most likely station for 1 <sup>st</sup> response?	Marietta Station 51
Service burdens at the nearest city fire station (under, at, or above capacity)?	None

### ***MARIETTA POWER - ELECTRICAL***

Does Marietta Power serve this site? Yes   x   No           

If not, can this site be served? Yes            No           

What special conditions would be involved in serving this site?

Additional comments:



## DATA APPENDIX CONTINUED

### MARIETTA CITY SCHOOLS

#### Marietta City Schools Impact Assessment:

Elementary School Zone Servicing Development: A L Burruss Elementary

Grades six (6) through twelve (12) will be serviced by:

- Marietta Sixth Grade Academy
- Marietta Middle School
- Marietta High School

Current Capacity at Servicing Elementary School: 500-600

Current Capacity at Marietta Sixth Grade Academy: 800-900

Current Capacity at Marietta Middle School: 1300-1400

Current Capacity at Marietta High School: 2500-2600

Current Enrollment at Servicing Elementary School: 441

Current Enrollment at:

- Marietta Sixth Grade Academy: 662
- Marietta Middle School: 1163
- Marietta High School: 2051

Number of students generated by present development:

Number of students projected from proposed development at:

- Elementary level: NA
- Sixth Grade level: NA
- Middle School 7<sup>th</sup> & 8<sup>th</sup> Grade level:
- High School level: NA

New School(s) planned that might serve this area: None planned.

**Comments:** One bedroom, one bath home. No impact to MSC system.